

AO 440 (Rev. 06/12) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

NORTHERN District of NEW YORK

BRANDON HANKS, AND OTHER SIMILARLY  
SITUATED INDIVIDUALS,

*Plaintiff(s)*

v.

Civil Action No. 5:21-cv-00921

CITY OF SYRACUSE, KENTON BUCKNER, IN )  
HIS INDIVIDUAL CAPACITY; DEPUTY CHIEF )  
RICHARD TRUDELL, IN HIS INDIVIDUAL )  
CAPACITY; DEPUTY CHIEF JOSEPH CECILE, IN )  
HIS INDIVIDUAL CAPACITY; POLICE )  
OFFICERS, CAPTAIN TIMOTHY GAY, IN HIS )  
INDIVIDUAL CAPACITY; COLIN HILLMAN, IN )  
HIS INDIVIDUAL CAPACITY; DEREK )  
MCGORK, IN HIS INDIVIDUAL CAPACITY; )  
WILLIAM KITTELL, IN HIS INDIVIDUAL )  
CAPACITY; ANOTHONY FIORINI, IN HIS )  
INDIVIDUAL CAPACITY; DAVID METZ, IN HIS )  
INDIVIDUAL CAPACITY; SHAWN HAUCK, IN )  
HIS INDIVIDUAL CAPACITY; SUSAN IZZO, IN )  
HER INDIVIDUAL CAPACITY; ANN CLARK, IN )  
HER INDIVIDUAL CAPACITY; BRANDON )  
FOUGNIER, IN HIS INDIVIDUAL CAPACITY;

and Does 1-100;

*Defendant(s)*

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

DAVID METZ  
511 S. STATE STREET  
SYRACUSE, NY 13202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAW OFFICES OF BONNER & BONNER  
475 GATE FIVE ROAD, SUITE 211  
SAUSALITO, CA 94965

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

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### PROOF OF SERVICE

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
Server's signature

*Printed name and title*

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*Server's address*

Additional information regarding attempted service, etc: